

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

LEGISLATIVE FOOTPRINT

QUERY

What are international experiences with the introduction of a "legislative footprint"?

PURPOSE

You often hear calls for the introduction of "legislative footprints", also by Transparency International chapters. Are there any countries in the world, which have already introduced a "legislative footprint"? What are the experiences? How is it legally regulated?

CONTENT

1. Legislative footprint and its adoption
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SUMMARY

A legislative footprint is a document that details the time, person and subject of a legislator's contact with a stakeholder. Published as an annex to legislative reports, it could potentially provide insight into who gave input into draft legislation. It helps to ensure that interest groups' influence on policy-making is not disproportionate, which could, otherwise, lead to undue influence and state capture.

Legislative footprints still play only a small role in the discussion about lobbying and transparency, and they are not obligatory in any of the countries examined. Their implementation is under discussion in the European Parliament and voluntary footprints can already be found there.

Similar tools have been implemented in some countries, such as general publication of meetings, schedules and lobby registers. However, they still fall short in providing detailed information on who sought to influence legislation, what piece of legislation was targeted and by which channels influence was sought.

1 LEGISLATIVE FOOTPRINT AND ITS ADOPTION

The Centre for European Studies (CEPS), a Brussels-based think tank, defines legislative footprint as “a document that would detail the time, person, and subject of a legislator’s contact with a stakeholder. Published as an annex to legislative reports, it would provide insight into who gave input into draft legislation” (Obholzer 2011). Legislative footprints thus could be an important instrument for identifying which interest groups key government representatives met, received and heard from (Obholzer 2011).

From the anti-corruption angle, legislative footprints may help to ensure that interest groups’ influence on policy-making is not disproportionate, and that private interests are not preferred over public interests, which could, otherwise, lead to undue influence and state capture. It also allows voters to monitor parliamentarians’ activities and to hold them accountable.

Legislative footprints still play only a small role in the discussion about lobbying and transparency. The comment to principle six of the [OECD Principles for Transparency and Integrity in Lobbying](#) mentions that “government should also consider facilitating public scrutiny by indicating who has sought to influence legislative or policy-making processes, for example by disclosing a ‘legislative footprint’ that indicates the lobbyists consulted in the development of legislative initiatives.” Nevertheless, they are not obligatory in any of the countries examined but their implementation is under discussion in the European Parliament, and the first publications of voluntary footprints can already be found there.

Following scandals involving parliamentarians ready to accept bribes in exchange for legislative favour¹, the European parliament recommended the establishment of a legislative footprint to the Bureau, but this has not yet been implemented.

Within this framework, a legislative footprint would take the shape of an annex to legislative reports that would detail who key parliamentary actors “met,

received, and heard from while drafting legislative texts” (Obholzer 2011).

Meeting inside and outside of the European parliament with registered and non-registered lobbyists should be included in the framework of the footprint. Substantial contact by phone or email should also be included.

In this context, key parliamentarians should be understood as members of committees, as they can table amendments and therefore influence legislations. It is also instrumental that those involved in drafting a report (for example, the committee chair and rapporteur) and those influencing voting decisions of groups provide footprints (Obholzer 2012).

A 2008 resolution of the European parliament already put forward the use of legislative footprints on a voluntary basis. According to the resolution, “a rapporteur may, as he or she sees fit (on a voluntary basis), use a ‘legislative footprint’, i.e. an indicative list, attached to a Parliamentary report, of registered interest representatives who were consulted and had significant input during the preparation of reports.”

Some parliamentarians have voluntarily provided legislative footprints. This is the case of the UK Member of the European Parliament Diana Wallis (see list [here](#)) and members of the UK conservative party (see [here](#)). As those reports are voluntary and there are no laws regulating them, the quality of the data and the frequency of disclosure still vary greatly.

2 EXAMPLES OF SIMILAR TOOLS

While legislative footprints have not, to the best of our knowledge, been implemented in any country, some countries have adopted other tools that fulfil similar functions, such as the publication of meeting schedules by governmental departments (for example, the UK’s “Who is lobbying”) or individual parliamentarians; publication of issue-specific meetings (for example, tobacco in Australia); or the disclosure of information through lobby registers adopted by various countries.

In general, these tools help to increase transparency and integrity in lobbying, but there are still important differences between legislative footprints and other

¹ Please see: www.bbc.co.uk/news/world-europe-12880701

existing tools. For example, legislative footprints offer clear insight into who sought to influence what piece of legislation – going beyond the general information provided by lobby registers. In addition, legislative footprints would also cover non-registered lobbyists, and all contacts would be linked to specific legislation.

Furthermore, a main difference between legislative footprints and lobby registers is that, in the former, the burden to disclose information falls on the parliamentarian or member of the government, and in the latter, it falls on the lobbyist.

Against this backdrop, in order to increase transparency in policy-making, civil society organisations have been advocating for the adoption of legislative footprints as a complement to these other tools.

General self-reporting on meetings

Similar to legislative footprints, but on a more general note, some parliamentarians have voluntarily disclosed information on meetings with interest groups. This is the case of the independent Member of European Parliament Dr. Hans Peter Martin, who makes all of the invitations and offers he receives from interest groups available on [his website](#). There is, however, no information on whether or not these meetings influenced or informed his reports to the parliament.

Government departments in the UK also disclose information on the meetings held with interest groups, including information on the issues discussed. The information is published [online](#).

General reporting on specific issues

The World Health Organisation (WHO) Convention on Tobacco Control provides guidelines aimed at protecting tobacco control agencies from vested interests, and encourages state parties to interact with the tobacco industry only when strictly necessary, and in a transparent manner, in order to avoid conflicts of interest. Within this framework, many countries have adopted rules providing for disclosure of meetings between the responsible government agency and interest groups.

In Australia, for example, a general list of the

meetings conducted between the Australian Department of Health and the tobacco industry, including the main issues discussed, is available [online](#).

More information on the steps taken by other countries to comply with the WHO convention is available [here](#).

Reporting through lobby registers

According to recommendation five of the *OECD Principles for Transparency and Integrity in Lobbying*, core disclosure of lobbying activities should provide sufficient information to capture the objective of the lobbying activity and should point to the public offices that are its targets.

Many countries with lobbying regulations have established requirements of lobby registers, including the Canada, Hungary, Lithuania and the United States.

In Canada, the [Lobbying Act](#) (§5, (2), h) states that lobbyists should identify any relevant legislative proposal, bill, resolution, regulation, policy, financial benefit or contract while reporting to the commissioner. In addition, lobbyists should also include a brief description as to why they are lobbying with reference to the above-mentioned legislation.

In Hungary, the Lobby Activities Act of 2006, which was repealed in 2011, also provided for disclosure requirements for lobbyists every three months, including: the publication of a list of executive decisions which were the target of the lobbying activity; an indication of the concrete objectives of the lobbyists' activities relating to a specific bill; the names of officers of the decision-making body contacted; and a list of the means used in connection with lobbyists' activities (Leko 2007).

In Lithuania, lobbyists must submit an annual report of their lobbying activities to the registry. In addition to name, address, phone number and certificate number, a registered lobbyist must also present his or her income from lobbying activities, expenditures on lobbying activities, and the title of the effective or draft legal act that was influenced. The reports are published in the Official Gazette of Lithuania (OECD 2007).

In the United States, the Lobbying Disclosure Act requires lobbyist and firms to declare a list of specific issues upon which they have engaged, including to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions.

The information is made available online in a searchable [database](#).

In the European Union, a [transparency register](#) is also in place. Lobbyists have to disclose information on their affiliation and on clients of the organisation, and are only allowed to enter the parliament non-accompanied if registered. While the register helps to understand who is seeking to influence European legislation, it does not offer the necessary information to know which pieces of legislation individuals or organisations tried to influence, nor on the channels used to exercise such influence (Obholzer 2011).

In addition, the problem with most of the publications in lobby registers is that it makes it possible for lobbyists to hide the main interest among a long list of irrelevant issues and laws, providing short but too general explanations. According to the OECD, "it may be that the difficulty of communicating a complex assignment on a short electronic form, rather than obfuscation, explains why these entries are vague and meaningless."

For more information on lobbying regulations, please see this previous [Helpdesk answer](#).

3 REFERENCES

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